



THREE

REMARKABLE and SCARCE

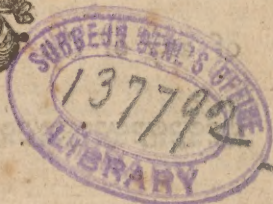
TRIALS,

V I Z.

- I. The Trial between THEOPHILUS CIBBER, Gent. Plaintiff, and WILLIAM SLOPER, Esq; Defendant; for CRIMINAL CONVERSATION with the Plaintiff's Wife.
- II. The Trial of RICHARD LYDDEL, Esq; for CRIMINAL CONVERSATION with Lady ABERGAVENNY.
- III. The Trial of Col. CHARTRES for a RAPE, committed on the Body of ANNE BOND, his Servant.

It plainly shews he gave Consent,
And is the Man they represent.

See C—R.



L O N D O N:

Printed by and for ISAAC HOLROYD, in the Year 1764.

Advertisement.

THE EDITOR of these TRIALS (which made so much Noise in the World) is desirous of informing the Reader, that there are no Expressions contained in any of them, capable of giving Offence even to the chastest Ears; for by particular Order of the Reverend JUDGES, who presided at the several Trials, Care was taken that nothing indecent, immodest, or unbecoming the Dignity of a Court of JUDICATURE, should by the Council, on either Side, be drawn from the Mouths of any of the Witnesses. •



T H E

T R I A L

B E T W E E N

THEOPHILUS CIBBER, Gent. Plaintiff,

A N D

WILLIAM SLOPER, Esq; Defendant,

For CRIMINAL CONVERSATION with the Plaintiff's Wife.

ON Tuesday the 5th of Decem. 1738, at nine o'clock in the morning, at the Sittings in the Court of King's-Bench in Middlesex, before the Rt. Hon. Sir William Lee, Knt. Lord Chief Justice of that Court, came on the remarkable trial before a special Jury of Gentleman of a cause in which THEOPHILUS CIBBER, Gent. was Plaintiff, and WILLIAM SLOPER, Esq; was Defendant.

The Declaration (which was opened by the Junior Council for the Plaintiff) was for Assaulting, Ravishing, and Carnally knowing SUSANNAH MARIA CIBBER, the Plaintiff's Wife: And this was laid, to be done at three several periods of time, at divers days between such a day, to such a day, at each period; whereby (the Declaration said) the Plaintiff lost the Company, Comfort, Society, Assistance, &c. of his Wife, to his Damage of FIVE THOUSAND POUNDS.

The Council for the Plaintiff were, Mr. Solicitor General, Mr. Hollings, Serjeant Agar, Mr. Marsh, Mr. Dennison, (now Mr. Justice

Dennison,) and Mr. Lawfon. The Council for the Defendant were, Serjeant Eyre, Mr. Noel, (late Mr. Justice Noel,) Mr. Lloyd, Mr. Murray, (now Lord Mansfield,) and Mr. Barnadiston.

Mr. Solicitor General, (Sir John Strange, Knt. sometime after Master of the Rolls) stated the case for the Plaintiff; and (among many other things) observed to the Court and the Jury, that the injury done to the Plaintiff was of the most tender concern to his Peace of Mind, Happiness, and Hopes of Posterity, and was the highest of all Injuries for which he could come before them to seek a recompence or satisfaction in damages; and that indeed it was impossible to give a pecuniary satisfaction adequate to the injury: For that no sum of money could restore a man's tranquility of mind. But that the Plaintiff must rest upon such remedy as the Law had given him.

He farther observed (*upon the Plaintiff's being a Player*) that it is true the Plaintiff was a Player, but he was a Gentleman; being well descended and having had a liberal Education; that the Plaintiff him-
A
self

self was a very good Player; that that his Father was well known to all Gentlemen, who delighted in Theatrical Entertainments to be of the first figure in that profession, and an Author too; that the Plaintiff's Grandfather was the best Statuary of his time; and that the Plaintiff by the Mother's side, was related to William of Wickam; and in Right of that Pedigree, had received his Education upon a Foundation of that great Man.

He said he knew it was attempted by some, to have the Players considered in this nature, as not upon the same footing with the rest of the subjects; as if it were more lawful to invade their properties, than those of other people; but he knew no Law that deprived them of those comforts, of those rights which other subjects ought to enjoy: That the Stage had been cherished and encouraged by the politest and wisest States, as a School of Virtue and good Morals; and that many receive good Lessons, and Impressions from what they hear at the Theatre; who perhaps don't incline to seek for Instruction elsewhere.

That there had been a good deal of pains taken to spread a report about Town, as if the Plaintiff had been consenting to the Wrong the Defendant had done him; but this was only to blast the Credit of the Plaintiff's Cause before the Trial; and that it might come with Prejudice before the Jury. That his Brief instructed him, that there could not be the least colour or shadow of proof to support such a surmise.

Mr. Solicitor General also stated the Evidence for the Plaintiff, in part as it comes from the Plaintiff's Witnesses in the following pages; but as to part of what comes from Mr. Carter of Kensington, it doubtless was never mentioned in his Brief. And as to the principal facts he mentioned, the witness Mr.

Hayes's looking through a little hole in a wainscot partition, which parted Mr. Hayes's closet from a room in which the Defendant and Mrs. Cibber were together; and that through that hole Mr. Hayes at several different days and times saw them guilty of Criminal Familiarities, and in such acts and with such circumstances, and particularly the last time, he, Mr. Hayes, *saw such a sight*, as he, (Mr. Solicitor) would leave to the witness to tell; for it ought to be related *but once*.

Mr. Hollings also spoke very well on the same side, pathetically observing to the Gentlemen of the Jury the mischievous consequence of suffering a man to commit such an injury to the married state without being obliged to repair it in damages; that the Plaintiff was an Englishman, and as such, had rights which ought not to be invaded, particularly in the present instance; that he had brought his complaint before a Jury of English Gentlemen; and he (Mr. Hollings) did not doubt, that they would give the Plaintiff proper damages.

The Plaintiff's Council then proceeded to call their witnesses: And first, to prove the marriage between the Plaintiff and his Wife, they called Mrs. Brett, but she did not appear at this time.

Note, She appeared in the afternoon as will be mentioned hereafter.

The Plaintiff's Attorney then called Mr. Cibber, the Plaintiff's Father, who being present at Court, was sworn. His evidence was in substance as follows:

Q. Do you know of the Plaintiff's being married to his present wife?

Mr. Cibber. I was not at the marriage, but I am as well convinced that they were married, as that I myself was married. I was against the match.

Q. Why were you against the match.

Mr.

Mr. Cibber. Because she had no fortune.

Q. Did they at first live happily together?

Mr. Cibber. They did live happy, very happy, much happier than I expected; for I was averse to the match.

Q. How long did they live thus happily together.

Mr. Cibber. About three years; within that time they had two children, which are both dead.

Q. Did Mr. Cibber, the Plaintiff during that time, support her well and liberally, as became an affectionate husband?

Mr. Cibber. He did, even to profusion. I often admonished him about it; and advised him to retrench his expences; for I thought them a good deal too large for his condition, or what he was able to afford. He made her several valuable presents of rings and jewels.

Q. Is not Mrs. Cibber a good Actress? And how did she become so?

Mr. Cibber. When they married she was a Singer, but there were better voices. I thought her voice not the best; and if not best, it is nothing. I thought it might possibly do better for speaking. I asked her husband if he had ever heard her attempt to speak a part? he said he had; and that she did it very prettily. I tried her, and was much surprized to find her do it so very well.

Q. Did not her husband take pains to instruct her?

Mr. Cibber. I believe I was the person who chiefly instructed her; I spent a good deal of time, and took great delight in it; for she was very capable of receiving instruction. In forty years experience that I have known the stage, I never knew a woman at the beginning so capable of the business, or improve so fast.

Q. When did you first hear of any disagreement in the family?

Mr. Cibber. Soon after he came from France, about last April.

Mr. Fleetwood, *Master of Drury-lane Play-house was sworn.*

Q. Sir, Do you know the Plaintiff's Wife? Is she a good Player?

Mr. Fleetwood. Yes, Sir, I think her a good Player for her time.

Q. What salary did you give her? What advantages did she bring to her husband?

Mr. Fleetwood. She played three seasons: For the first, her salary was an hundred pounds, and she had a benefit.

Q. What was that benefit worth?

Mr. Fleetwood. I cannot be particular, because I have not looked into the accounts on this occasion: If I had known I should have been examined to this, I could have been particular. I believe it might be about a hundred pounds.

Q. Well, Sir, the second year?

Mr. Fleetwood. The second year, Sir, I gave her two hundred pounds salary, and she had a benefit.

Q. What was that benefit worth?

Mr. Fleetwood. Her salary the third year was two hundred pounds, and she had a benefit.

Q. What was that worth?

Mr. Fleetwood. I believe it must have been worth a hundred and fifty pounds; for she grew much in the favour of the town, and 'twas a very good benefit.

Note, *The examination to these matters was at first opposed by the Defendant's Council, as not being supported by the declaration; but the Plaintiff's Council insisted, that it being laid in the declaration, that by the means there alledged the Plaintiff had lost the assistance of his wife, he had a right to prove the loss he sustained by the Defendant's taking her off the Stage, and the Quantum of that loss. And of that opinion was the Court; so Mr. Fleetwood was examined as above. The Defendant's Council insisted that*
nothing

nothing here appeared that the Defendant had taken her off the Stage, and they cross-examined Mr. Fleetwood.

Q. Sir, how comes it that Mrs. Cibber does not play this season?

Mr. Fleetwood. Because we could not agree upon the terms. I would not come up to her terms.

Q. What were her terms?

Mr. Fleetwood. She insisted to have as good a salary as any woman in the house; and the first benefit.

Q. Perhaps she deserves as much; is she not as good a Player as any in the house?

Mr. Fleetwood. I can't say that, I can't pretend to determine that. I have got more money by Mistress Clive.

Mr. Quin, Mr. Johnson, and some others were called for this purpose; but the Court was of opinion, 'twas now proper for the Plaintiff's Council to establish their principal fact.

Mrs. Hayes was sworn.

Q. Mrs. Hayes, pray give my Lord and the Jury an account of the Defendant's and Mrs. Cibber's coming to your house. Do you know Mrs. Hopson?

Mrs. Hayes. Yes, Sir, it was just this day twelve-month, the fifth of December, that Mrs. Hopson came into my lodgings. I live in Blue-cross-street, Leicester-fields; on the Saturday Mrs. Hopson came to my house and took my lodgings; she beat them down as low as she could, for she said she was a single woman, and should give but very little trouble, she had nobody to come after her but a Gentleman and Gentlewoman that would come to see her sometimes. She had the lodgings for seven shillings a week; two rooms on the first floor; there was a bed in each of them; one of the beds was a turn-up bed. She was to come in on Sunday, but she sent me word that she should not come in till Mon-

day, and on Monday the fifth of December, she came in hackney-coach, and some boxes and things with her. On Sunday in the evening a young Gentleman, whom I afterwards knew to be Mr. Sloper, called and asked if Mrs. Hopson had not taken the lodgings, and whether she was come: We told him she had taken the lodgings, but that she should not come till Monday.— She lay there on Monday night.— Neither Mrs. Cibber nor Mr. Sloper came that day, but they came soon after, I think it was on Tuesday, and they supped together, and went away between eleven and twelve o'clock; Mrs. Hopson sat up, and let them out, and locked the door after them. They often came in the space of six weeks that Mistress Hopson had the lodgings; I believe near twenty times. They did not come together, but dropping in one after the other. They sometimes dined, but most commonly supped there. Mrs. Hopson used to leave them together every time they came, sometimes two or three hours at a time. She often made errands to go out to buy something; and sometimes sat two or three hours at a time below stairs with me, while they were above together. They stayed sometimes till one or two o'clock in the morning; and how they went away I cannot tell, for I was in bed at these times, but I believe they usually went in chairs or coaches.

Q. When they were thus left alone, did they use to fasten the door?

Mrs. Hayes. Yes, the door used to be fast; Mrs. Hopson used to go and knock at it, and they let her in; and sometimes she could not get in, and used to come down stairs again.

Q. How did you know they were Mr. Sloper and Mrs. Cibber?

Mrs.

Mrs. Hayes. There was an acquaintance of mine at my house one day, when Mrs. Hopson came down stairs to me; one Mr. Rowe, and he knew Mrs. Hopson; *How do you do Mrs. Hopson?* says he. So after she was gone, I asked him who Mrs. Hopson was, and he told me, she was Mrs. Cibber's maid; so I gave her warning, and let my lodgings to another; for I did not like their coming. Mrs. Hopson did not usually lie there o'night, except when they had been there in the evening; but on those nights she did lie there. One day after I gave warning, Mr. Sloper was in a great passion above stairs at something, and Mrs. Hopson came to me, *You have made a fine kettle of fish of it,* says she. I do not know what she meant by her kettle of fish. *What fish do you mean* says I. *Why there,* says she, *you have been talking of matters, and he's stark mad at it above stairs.* She would have kept the lodgings; but I chose not. I let them to another, and so they went away.

Q. Did Mr. Cibber ever call at your house, and talk with you about them?

Mrs. Hayes. Yes, about five or six months ago, he came and asked me, if Mrs. Hopson had not lodged there? I told him she had. He asked, who came to see her, and I described them, both by their clothes and their persons; so he said no more, and went away.

Mr. Hayes sworn.

Q. Sir, give an account of Mrs. Hopson's lodging at your house, and who came to see her, and what happened, &c.

Mr. Hayes. When Mrs. Hopson had my lodgings, Mr. Sloper and Mrs. Cibber used to come often to her, and she used to leave them together two or three hours at a time. They used to go away at one, two, or three o'clock in the morning, in coaches or in chairs. I have a clo-

set on the same floor, adjoining to the room where they used to sit; I bored holes through the wainscot, and could see them very plain. He used to kiss her, and take her on his lap. On the 22d day of December I was looking thro'; he took her on his knee, lifted up her clothes, and took down his breeches, and took his privy member and put it in his hand, and put it between her legs. On the 12th day of January, I was locked up in the closet at one o'clock in the afternoon; and he came first and he was very angry, because she was not come; and he sent Mrs. Hopson for her. In about two hours she came. Mrs. Hopson went away and left them alone: So he spoke something to her in an angry way about Mr. Fleetwood; she said she would take away her brother from his house, and that she did not value Mr. Fleetwood. He and the grew friends again; they made it up, and he took her upon his lap, took up her clothes, took down his breeches, and put his privy member between her legs. I stayed there longer.—Between five and six in the evening he let down the turn-up bed softly, she laid herself upon it, upon her back, and pulled up her clothes; her body was bare. He unbuttoned his clothes, hung his bag-wig upon a sconce, let down his breeches, took his privy member in his hand, and lay down upon her.

Hereupon some further questions offered as to the fact, his Lordship interposed to this effect; *there is no occasion to be more particular; we are not trying a rape.* However the witness did say there was a criminal conversation, and being a foreigner, he express'd himself as much by gestures as by words.

Q. Was the chamber lock'd?

Mr. Hayes. No, it was fastened with a screw. The holes are there to be seen in the wainscot and the door.

Q. Who did that screw belong to?
 Mr. *Hayes*. I believe it was Mrs. Hopson's. I have seen it lying in the chamber window.

Q. How did you know who they were?

Mr. *Hayes*. Mr. Rowe was one day at our house, and he spoke to Mrs. Hopson; and afterwards he said, she was Mrs. Cibber's maid. Besides I dogged them both home in their chairs: Her chair carried her to Mr. Cibber's house, No. 12, in little Wild-Court, and his chair went to his father's house in St. James's place. After he was gone into the house, I asked the chairmen *whose house that was?* and they told me, *old Mr. Sloper's*. I had often seen him at the Tennis-Court, and knew his name there.

Mr. Rowe was sworn.

I was one day at Mr. Hayes's, and Mrs. Hopson came in, I asked how she did? I had known her for a good many years before; and the last time I had seen her, I had been told she lived with Mr. Cibber. I believe I told Mrs. Hayes so.

Juryman. My Lord, we would beg leave to call back the last witness (Mr. Hayes) to ask him this question? Why he took the pains to dog Mr. Sloper's chair, at that time of night, to learn who he was, when he had known him at the Tennis-Court?

Mr. Hayes being called in again, and question put to him; he answered to this purpose:

As Mr. Sloper and Mrs. Cibber came into my house, I knew them both, because I had seen him at the Tennis-Court, and her on the stage; but to be the more certain, I went and followed their chairs, as I told you.

Mr. Carter was sworn.

Q. Give an account of Mr. Cibber and Mrs. Cibber's Lodging at your house in March last, and whether Mr. Sloper resorted there?

Mr. *Carter*. Yes, Sir, on the 2d

of March Mrs. Cibber took the lodgings, I believe for them all; there were three beds.

Q. Do you remember any thing of Mr. Cibber's going to France, and whether Mr. Sloper came there during his absence?

Mr. *Carter*. Yes, Mr. Cibber went to France soon after and Mr. Sloper did lodge there part of the time while he was absent; and he lodged there again soon after Mr. Cibber came back; and there was a lodging taken for Mr. Cibber at Blue-Green, about a mile and a half from Kensington, and after Mr. Cibber, Mrs. Cibber, and Mr. Sloper had supped together, Mr. Cibber had a man with a lanthorn and candle, between nine and ten o'clock at night to light him to Blue-Green. He came back to breakfast next morning, and every morning; and they dined, and sometimes supped together; and he went to Blue-Green at night; and Mr. Sloper, and Mrs. Cibber lay at my house, but I do not know what beds they lay in. When Mr. Sloper went away from my house, back to London, Mr. Cibber left Blue-Green, and came and lay at my house.

Q. Who bore the expences of their housekeeping?

Mr. *Carter*. Mr. Sloper did.— Sometimes he gave my wife money to lay out; at other times, my wife laid out what was necessary, and made a bill of it, and Mr. Sloper paid it.

Q. Did Mr. Cibber know this?

Mr. *Carter*. Yes, Sir, it was very often before his face.

Q. Did he ever offer to pay any thing?

Mr. *Carter*. No, Sir.

Hannah Calcot, and Ruth Calcot being severally sworn and examined had little to say.

They lived at Burnham in Buckinghamshire; where Mr. Sloper and Mrs. Cibber spent part of the last summer.

summer. They did not live in the family. The amount of their evidence was, that Mr. Sloper and Mrs. Cibber lived at the same house at Burnham; they were sure he lived there because they had seen him walk abroad in his slippers, and in an undress.

Fife and Watson being severally sworn, deposed, That they and another in a coach went with Mr. Cibber to Burnham in September last, to take away Mrs. Cibber; that they left the coach in a field and went to the house where she and Mr. Sloper were; that she was in a night-gown sitting at a tea-table, and Mr. Sloper was at the other side of it, in his slippers; that Mr. Cibber said he came to demand his wife; that Mr. Sloper cursed, and swore, and called Mr. Cibber hard names, but suffered one of the Witnesses to lead her to the coach, and walked on the other side of her himself; that she gave him a watch out of her pocket; on which he said *by G—d well remembered, the Rascal would have had it else*. That they drove away with Mrs. Cibber in the coach, along with Mr. Cibber and two of his assistants, the third being on horseback. That Mr. Sloper soon overtook them; that he swore there was a villain in that coach, who should never live to go into another: that they came to Slough; and there Mrs. Cibber not being well, desired Mr. Sloper (who was at the side of the coach, before the door of the Inn) to get a dram; that Mr. Sloper brought her a glass of rum. That she was above a quarter of an hour in the coach at the door of the Inn, while Mr. Cibber was in the house providing for her accommodation. That when Mr. Cibber was in the chamber in the Inn, she called her Husband a great many Villains; and said; that now he had ruined her Reputation: She did not value if all the world knew she was

with Child by 'Squire Sloper, and that she loved him dearly, for he was an honourable Gentleman; that Mr. Sloper took up a room in the Inn for some time, swore much, and fired a Pistol; which one of the Witnesses seemed willing to believe was intended at him; but being cross-examined, he did own that the Muzzle of it was elevated, so as to point over the stable; and also that Mr. Cibber and his assistants had two cases of pistols loaded. These proved that Mr. Sloper went away in the night-time from the Inn, which determined Mr. Cibber to stay all night; that he sat up all night himself; and procured a woman to lie in bed with his Wife. She would eat no supper tho' there was one provided; for she was sulky. The next day he did not take the direct road to London, but drove a-cross part of the country and got to London in the evening.

— Stint was sworn.

— Stint. Mr. Cibber employed me to take care of his wife when he brought her to Town, that she might not be taken away again, and he used her, and provided for her very honourably, and gave orders at the Tavern, the Bull-head near Clare-market, that she should want for nothing: Meat was dressed there for her, and brought to her, and wine, a pint of white, and a pint of red. She complained that it was cold weather, and I made her a fire; and locked her up in the room; but she knocked and called; and begged for God's sake I would let her out; or else she should be stifled for the chimney smoaked. So I let her out and put out the fire. Mr. Thomas Arne, her brother, came there, and he begged and prayed that I would let her go along with him; but I would not break my trust, I could not do it: He came several times, and finding I would not do it, began to break open the

house, and at the same time bid her cry out Murder; she cried out Murder, and I believe there was an hundred mob assisting him to break open the House. I had a case of pistols, and laid my back against the door; but they were too strong for me, and took my pistols out of each hand, and held me fast by each arm; and beat me severely, and tore all the cloaths off my back, and took Mrs. Cibber away with them.

— Applesford [*the Reading Stage Coachman*] was sworn.

This witness proved that he was hired to carry two Ladies and a Gentleman, some time in September last from Slough to Reading. He was to meet them at Slough, and met them accordingly. The Gentleman walked out of town in his boots, about half an hour before the coach, and when the witness overtook him, he took him in: he knew neither him nor the women.

This witness was paid two guineas for his charges; and several other witnesses from Slough were also paid who had nothing to say to the purpose.

Mrs. Brett was sworn.

She proved the Marriage; and being asked when and where she saw Mrs. Cibber last? she answered, this morning, at her mother's.

This last question was asked because it had been insinuated that Mrs. Cibber at that very time cohabited with Mr. Sloper.

Mr. Serjeant Eyre, for the Defendant, opened the defence. And among other things observed, that he believed this was the first action of the kind that ever came from the Theatre; that he never heard that it was a place celebrated for virtue: that Mr. Solicitor General had taken some pains to display the Plaintiff's pedigree as descended from William of Wickham; that there was no proof made of this pedigree; but he observed in the time of William of

Wickam, who was a Clergyman, celibacy prevailed among the Clergy; therefore the Plaintiff could not be descended in a *right-line* from him. That Love is the most governing passion in human nature; that as it is so, all Theatrical Performances abound with it; that they cannot expect to please without it: That a very wise and modest man who hath wrote one of the best plays extant, could not depend on his hero for success; that he was forced to interlard it with love-scenes, or it might probably have been damned the first night; and this is the Tragedy of *Cato*. That the Hero of this piece, that very *Cato*, the greatest man of the time he lived in; is recorded in history to have had very free notions of love and matrimony; that he lent his wife to a friend to breed out of her, and when they had done, he took her back again, very well contented. That the players are a people who act, and enter into all manner of characters, that their men and women are made to fall in love with each other every day, this day with one, to-morrow with another; that this practice in variety must give them an uncommon propensity to love, without any confinement of the passion to a particular subject; that it is very likely this enters into their common course of life. That their women learn all the allurements that can engage the eye and ear, and strike the imagination of young Gentlemen; they dress, chat, sing, dance, and every way charm unguarded young Gentlemen, who are not aware of any ill consequences. That it had already appeared, and would further appear in the course of the evidence, that if there was a suspicion of any thing amiss in the acquaintance between Mr. Sloper and Mrs. Cibber, that the Plaintiff must thank himself for it; that the Plaintiff had taken pains to bring them acquainted, to

live

live under the same roof, and used to leave them together to improve their acquaintance; that he (Serjeant Eyre) hoped, that nothing criminal had passed between them; but if there had, the Plaintiff had certainly encouraged it, and had no pretence to come to a Jury for damages.

Mr. Lloyd, on the same side, made an excellent speech, which we do not take upon us to give the reader; we shall only mention a hint or two. He hoped (as Mr. Serjeant Eyre had done) that nothing criminal had passed between the Defendant and the Plaintiff's wife; but if any thing seemed to tend that way, it at the same time appeared, that the Plaintiff was privy and consenting to whatever intercourse or familiarities there passed between them. That if there had been any thing done amiss with such circumstances (he submitted to his Lordship's direction, but) apprehended that the Plaintiff had no wrong done him, upon this maxim in Law and Reason, *Volenti non fit injuria*; and that therefore he, (the Plaintiff) ought not to have a verdict. But that if it should be thought proper (notwithstanding such consent) to find a verdict for the Plaintiff, it would at least be fit and necessary for the Gentlemen of the Jury to proportion it to the size of the trespass, which he hoped would be taken in consideration upon this occasion.—He said this and much more, in a much better manner than we can relate it (for a reason already given) and proceeded to the evidence for the Defendant.

Anne Hopson was sworn.

Q. Did you lodge at Mr. Hayes's about this time twelvemonth?

Anne Hopson. Yes, Sir, I was then out of service. I had left Mr. Cibber's; and intended to follow the business of mantua-making; I was bred to it,

Q. Did Mr. Sloper and Mrs. Cibber sometimes meet at your Lodgings?

Anne Hopson. Yes, they came to see me pretty often. They desired they might come there, and usually had a bit of something for supper.

Q. For what purpose did they meet?

Anne Hopson. As they were acquaintance, to converse together.

Q. Did you use to go out, and leave them alone together?

Anne Hopson. Yes, I often had occasion to go and buy something for supper, or some tea and sugar; and I had occasion to be below stairs to get supper ready.

Q. When you came up stairs did you use to find the chamber-door fast?

Anne Hopson. Sometimes it was so: and Mr. Sloper used to open it to me.

Q. Pray what could you believe was the occasion of these private meetings.

Anne Hopson. I will tell you all I know of the matter. I do not fear my character; there are enough in Court that will give me a very good character. It was about March was twelve-month that Mr. Sloper used first to come to our house, to Mr. Cibber's: The servants did not know who he was; but my master called him Mr. Benefit, and used to say he was a *Romp*, and a *good-natured boy*. Mr. Cibber was then very bare of money, and afraid of his creditors. I was sorry for it; for he owed me a good deal of money, and does so still. But one day he told me: Anne, says he, I shall have a good deal of money soon, and you shall have some. And I know he soon after had a good deal of money, and he paid me five guineas. That summer we went to lodge at Kingston, and Mr. Sloper with us. My Master used often to leave Mr. Sloper and my Mistress at home,

and go a riding or abroad, some where or other. The rest of the servants wondered at it as well as I; but I knew no harm. They did not know Mr. Sloper's name. My master called him his cousin Thompson. Afterwards when they came to town I left the service, and took that lodging.—In last Spring, about March last, I lived with them again. My Master took me aside, and made me promise secrecy concerning something he was about to say to me. He told me he was going to France: That there was an affair between Mr. Sloper and his wife: That he was ruined for ever if it should be publickly known. And he made me promise to live with her till he should come back, that the rest of the servants might not know any thing of the matter. I promised him. They took lodgings at Kensington, and my master went to France in March or April. He was some weeks gone, and in his absence Mr. Sloper was commonly at the lodgings at Kensington. When my master came back he was at a bagnio in Goodman's Fields, and sent word to my mistress. Mr. Sloper was not then at Kensington. My mistress and I went to Goodman's Fields in a hackney coach, and he came back with us to Kensington. In our return we changed our coach two or three times by the way, that he might not be discovered. She told him she expected Mr. Sloper in a day or two. My master said he would take a lodging when Mr. Sloper came; or if there was not time for that, he would go and lie at some inn in the town. Within two or three days Mr. Sloper came; and then Mr. Cibber sent and took a lodging at Blue-Green, and after supper about nine or ten o'clock he went there, with a man carrying a lanthorn and candle, and left Mrs. Cibber and Mr. Sloper at the lodgings at Kensington. He came back to breakfast

next morning, and dined, and I believe supped: and so he did several days, till Mr. Sloper went away; and then Mr. Cibber paid off the lodgings at Blue-Green, and came to the lodgings in Kensington to his wife.

Q. Was you at Burnham with Mr. Cibber and his wife, and Mr. Sloper.

Anne Hopson. Yes, last Summer it was. They three and I looked over the house; that they might contrive in what rooms to lie, and the rest of the servants know nothing of the affair. It was a large house, seven rooms on a floor. Mr. Cibber's bedchamber and Mr. Sloper's had a door opened between them. Mrs. Cibber used to undress herself in my master's room, and leave her cloaths there, and put on a bed-gown, and take away one of the pillows from my master's bed, and go away to Mr. Sloper's room; my master used to shut the door after her, and say, *Good night my dear*; and sometimes he used to knock at their door in a morning, to call them to breakfast, and at other times he sent me to call them; and the pillow was brought back again; for my master's bed was always made with the two pillows.

Q. Did you see Mrs. Cibber the day she was rescued, and where?

Anne Hopson. Yes, I saw her at her Mother's, Mrs. Arne's.

Q. Was Mr. Sloper there?

Anne Hopson. He was there.

Q. What became of Mrs. Cibber?

Anne Hopson. I do not know. She went away somewhere. I did not see her till two or three days afterwards.

Q. Did you go down into the country with her afterwards?

Anne Hopson. Yes, we went to Reading. Mr. Sloper met us at Slough, and there we went into the Reading coach, Mr. Sloper walked out some time before us, and the coach took him up.

2. Where was Mrs. Cibber afterwards?

Anne Hopson. At Reading with Mr. Sloper, till she came to town about five weeks ago.

Mrs. Carter (the Wife of a former Witness) was sworn.

She gave in substance the same evidence that her husband did before; and that Mr. Sloper used to pay her the money for housekeeping. That when the lodging was taken at Blue-Green, and upon her asking the meaning of it, she had for answer, it was because Mr. Cibber was a mean spirited dog.

2. Why would you keep such a house?

Mrs. Carter. I thought it no business of mine, if the husband consented, and was satisfied.

Jane Philips was sworn.

2. Give the Court, &c.

Jane Philips. I lived at Burham, and used to make the beds. Mr. Cibber and Mr. Sloper's beds.—There were two pillows on Mr. Cibber's bed, and only one pillow on Mr. Sloper's; but there was the mark of only one person having lain in Mr. Cibber's bed, and of two in Mr. Sloper's. The bed-chambers opened into each other: I never saw Mrs. Cibber undress, nor do not know who brought back the pillow every morning.

As little hath been said with regard to the rest of the Council, so as to Mr. Murray, we shall mention but a few hints from his speech.

He observed, that the Plaintiff by his Council shewed himself related to William of Wickham; but would have been entitled to claim that alliance if he had observed William of Wickham's motto, that *Morals make the Man*. The words are, *Manners make the Man*; but *Manners* are there intended to signify *Morals*.

That upon the whole of the evidence, (he the Council) was afraid that the Plaintiff's wife and the De-

fendant had gone beyond the bounds of duty; but whatever had passed, appeared not only to have been with the Plaintiff's consent, but even to have been concerted by him. That the Defendant was a young Gentleman of fortune, who became acquainted with a Player and his wife: That she being mistress of the alluring arts of the stage, first engages the young Gentleman's affection and draws him in, and this with the husband's privity and assistance. For the Plaintiff conceals the Defendant's true name from the knowledge of the servants; at one place he calls him cousin Thompson; at another, Mr. Benefit; a cant name, taken from a particular night in the year when they get a great deal of money. The Plaintiff tells the servants the Defendant is a *Romp* and a good natured boy; and he makes a boy of him. He takes his money, lets him maintain his family, resigns his wife to him; and then comes to a Court of Justice, and to a Jury of Gentlemen for reparation in damages. The Council further represented, that it would be of the utmost ill consequence if it should once come to be understood in the world, that two artful people, being husband and wife, might lay a snare for the affections of an unwary young Gentleman, take a sum of money from him, and when he would part with no more, then come for a second sum to a Court of Justice.

That he (the Council) desired to be understood as by no means an advocate for the immorality of the action; but this is not a prosecution for the publick, or to punish the immorality: This is only a question whether the Defendant has injured the Plaintiff; and certainly the Plaintiff cannot be injured if he has not only consented, but has even taken a price.

However,

However, if it should be thought requisite to find a verdict for the Plaintiff, we had not a denomination of coin small enough to be given him in damages.

Mr. Solicitor General in his reply, observed the ill consequence of letting it pass for Law that men might sell their wives, which would

be the consequence of giving a verdict for the Defendant.

His Lordship summed up the evidence,

And the Jury withdrew, and in about half an hour brought in a verdict for the Plaintiff, and ten pounds damages.





The CASE of RICHARD LYDDEL, Esq; as it appeared upon his Trial at the Court of Common Pleas, before the Right Honourable Lord Chief Justice EYRE, for carrying on a Criminal Conversation with the late Lady ABERGAVENNY; on Monday the 16th Day of February, 1729-30.

THE Jury being sworn to try the issue between the Right Honourable the Lord Abergavenny, Plaintiff, and Richard Lyddel, Esq; Defendant, upon an action of trespass; for that he the said Richard Lyddel, did carry on a criminal correspondence with the Plaintiff's Lady, by which means he did debauch, carnally know, and committed adultery with her, to the great loss, disappointment, and uneasiness of the Plaintiff.

The Council for the Plaintiff, having learnedly opened the circumstances of the offence, and peculiar aggravations attending it, with regard to the Defendant, proceeded to call the witnesses, who deposed as followeth.

Elizabeth Hopping deposed, That she lived in his Lordship's family for six years, and about three weeks before Christmas was twelve-month, taking notice of Mr. Lyddel's frequently kissing her Lady in the dressing-room, thought the familiarity too great betwixt them, and unfitting, which gave occasion to her to watch their conversation; that she had often seen her Lady's bed tumbled when none but Mr. Lyddel

and her lady had been in the room: Another time knowing them, to have been in the dining-room, about nine in the morning, was willing to see what they were doing, and placing herself in the with-drawing room, she looked through the key-hole in the parlour, and saw her lady against the door that went into the hall, and Mr. Lyddel against her, her lady's petticoats up as high as her garters, and his coat unbuttoned, but could not see his breeches down, because his coat covered them; that she saw him doing something that a man ought not to do. Being asked what she thought he was doing; replied, she thought he had a criminal conversation with her lady, and being surprized, she looked a second time, and saw them in the same posture. Then she went and told the laundry maid that she had seen her lady with Mr. Lyddel against her, with her petticoats up, and that she thought he was debauching her lady. Being asked whether she thought they were in criminal conversation together both the times? She said, she believed they were; being asked what was the ground of her suspicion; she replied, she saw him often kiss her in her bed-chamber, dining-room and dressing-

dressing-room. Being asked how Mr. Lyddel was received by his Lordship when he came there? She replied, his Lordship always received him very joyfully; that Mr. Lyddel came very often, and staid there sometimes a week together, that he lived from his Lordship's house about seven miles. She being asked, why she did not acquaint her Lord with it? Replied, she thought her Lord would not believe it, but that she told her fellow servant, Elizabeth Letchmere, and that she told no other servant of it. Being asked how it came to pass when she saw so notorious a fact, that she did not discover it presently to her Lord? Replied, that she dared not open such a thing to his Lordship, till her Lord asked her about it.

Elizabeth Letchmere deposed, That her fellow-servant came to her, and told her, three weeks before Christmas was twelve-month, that her lady was a Devil; that she asked her the reason, she then told her she looked through the key-hole and saw her against the door in the parlour with her petticoats up, and Mr. Lyddel before her; that this was about nine in the morning. Being asked whether she discovered it to any body? Replied, she told Mr. Osman of it.

— *Pinches* deposed,—That the observation she made, was when Mr. Lyddel came to her lady, about a twelve-month ago: her lady gave her orders to go out of the room when Mr. Lyddel came; that the bed was unmade when he came, and when she went up to make it, she found the door was locked, that when her lady gave her notice of it once or twice, she kept out of the way. Being asked, whether it was usual for her to leave the room when visitors came to her lady? She replied, that she never did when she was making the bed; and that visitors never came into her lady's chamber, but into the dressing-room. Being

further asked, whether, when her Lord was at home, she never saw my Lord and Mr. Lyddel in my lady's chamber together? Replied, she never knew them together there.

Mary Hodson deposed,—That she lived two years with the Lord Abergavenny in town and country both, as a laundry maid; that as she stood at her window, facing her lady's dressing-room, she hath seen Mr. Lyddel take her lady by the pinnners and kissed her, that when he pulled her lady away, the window-shutters were one quarter or half shut too; that she had observed this several times very plainly. Being asked, how long after he had kissed her lady, that she hath observed the window-shutters to be put too? Replied, about a quarter of an hour. Being asked, whether these observations were made in town? She replied, yes.

William Smith deposed,—That being porter to my Lord Abergavenny, he was ordered by his lady, whenever Mr. Lyddel came to admit him, that she would not be at home when Mr. Lyddel was there, but when Mr. Lyddel was gone, his Lady would be at home to any body that came; that Mr. Lyddel was always admitted, and that was his direction. That when Mr. Lyddel hath been at his lordship's, his lordship and he have gone out together, and he hath returned again before him, and gone to his lady's apartment. That Mr. Lyddel and a gentleman have dined with his Lady, went out together, and Mr. Lyddel has returned again, and staid with his lady two hours; that when he came he used to ask him, whether his lady was at home: and if the footman hath been out of the way, he hath waited upon him himself to his lady's apartment; that he was always admitted; when his lord was at home he would go to his lordship's apartment, and afterwards from his lordship's to his lady's.—
Being

Being asked, whether he ever knew him denied when his lord was at home? He replied, he never did.

Mr. Matthews, my Lord's Gentleman deposed, that he had a great many suspicions of a criminal correspondence between Mr. Lyddel and his lady; he had taken notice she would order none to be let in but Mr. Lyddel; that one evening his lady said, she would be at home to none but him; that he went up and found none but Mr. Lyddel there with his lady, and only two candles burning; that he went and brought up two others, that there might be light in the room, that when he came to go into the room the door was fast; that he heard his lady run from the couch to the fire-side, which is about six feet, she opened the door and said, *You fling the door so hard you will make the bolt fly*; that when he came in he saw Mr. Lyddel upon the couch, as if he were putting up his breeches; that he had since flung the door several times, and found the bolts not to fly. That when he went into the country, he had several pair of leases to engross for his lord's tenants; that the apartment he writ in was under Mr. Lyddel's room, called the White Room; that one morning October 13th he heard the voice of a man, and presently heard the White Room bed crack. Upon which being in a great surprize, was resolved to see who came out; that he went half way up the great stairs, and saw Mr. Lyddel coming out, who desired his servant to be called to him. That running as hard as he could, he met one of his lord's servants, and desired him to send Mr. Lyddel's man up to his master, after which he went up the back-stairs through the long gallery, and saw his lady come out very red, and disordered, and thought she came from Mr. Lyddel's room. Being asked, whether he afterwards

met with her, and in what room? Replied, that the next morning the 14th of October, about nine o'clock, he heard a woman come in after the same manner, and heard the step of a man, and the bed crack, as the morning before; then he went up the back-stairs, and at the end of his lord's gallery he took off his wig, and laid himself down, that no body might see him? that he heard the bolt of Mr. Lyddel's door open, then he saw Mr. Lyddel come out of his chamber door looking about him, and going in, immediately his lady came out, with her hands spreading her petticoats; but when he saw her, he got up with a book in his hand, as waiting his lord's getting up in the morning, which was his known practice; that then his lady went into her own dressing-room. Being asked, why she held her petticoats after such a manner? Replied, because Mr. Nevell, who was in a room hard by, should not hear the rustling of her silks. The next day being from home, could make no observation. That on Thursday he heard the same noise in the White Room, after the same manner as he had done before. In the afternoon of the same day he acquainted Mr. Osman, his Lord's Steward, for he said he could not bear to see his Lord injured after such a manner. That on Friday, as he was writing again, he prevailed with Mr. Osman to be present with him, and when they were together, he asked Mr. Osman whether he did not hear somebody come in? He said, yes; and in a little time they heard the bed crack; that this Deponent said to Mr. Osman, in a little time you will hear the bolt of the door make a noise, and so it happened, for they being at the great stairs; Mr. Osman told him he heard it very plain, and saw the lady come out of Mr. Lyddel's room, with her petticoats held up in her hands as she

used to do, to prevent the Gentleman that lodged by her from hearing her. On Saturday morning this Deponent and Mr. Osman heard and saw as before. Being asked, what method he took in order to have it discovered? Replied, that he discoursed with Mr. Osman and they consulted what method they should take; that several mornings they had had those consultations; further, that he acquainted Mr. Day with it. It being asked what conclusion they came to? He replied, it was agreed upon, that their lord should know of it some way or other. They proposed the discovery should be made by his lordship's mother, but she was under a great deal of concern about it, and desired somebody else might do it; then they thought no person so proper as Mr. Day to do it, who is a neighbour and relation of his lordship's. Mr. Day accepting of the proposal did communicate it. Being asked, when it was communicated to my lord, what answer did he give of what his lordship would do? He replied, that Mr. Day told him, that his lordship was willing that we should surprize him the very act. He gave this direction to Mr. Day and Mr. Osman. The method that we took was, that Mr. Day, Mr. Osman, and myself were to conceal ourselves in a closet, adjoining to the room where Mr. Lyddel lay, and on the 8th of November last, about fix in the morning, we all placed ourselves there; that they staid there till about nine, at which time her ladyship came into Mr. Lyddel's room, went round it, and was heard to say with a low voice, *I cannot stay with you now*; upon which Mr. Day and Mr. Osman thinking her gone were for going away, but this Deponent acquainted them that she was not, prevailed with them to stay, and he listening very close heard a noise, upon which they all went together

into the chamber, and coming softly to the bed-side withdrew the curtains, upon which Mr. Lyddel cried out, *O God! That this Deponent saw her ladyship in a very indecent posture, who in a great surprize said, Dear Matthews do not ruin me*; upon which he said he was very sorry for what was done, she repeated it again, *Do not ruin me*; he told her that he was sent by his Lord's direction, and that he must be true to his lord. That Mr. Lyddel in his surprize seemed not to have heard what was said, and therefore cried out, *What do you say?* This Deponent answered him, *Sir, I thought you could not have been guilty of so foul an act*. And Mr. Osman saying to him, *For you, Sir, to come so frequently, in such a shew of friendship, and to wrong his Lordship after such a manner as you have done, is a crime for which you can make him no satisfaction*; that Mr. Lyddel replied, *It is very true I can make no satisfaction*. Then he said he would take horse and ride away, and never return to his lordship's house any more. Then Mr. Osman said to him, it was his lordship's direction that he should be kept there. This Deponent being asked what room this was in; replied, that it was Mr. Lyddel's room; that they lay cross the bed when they opened the curtains.—Being asked, how many days Mr. Lyddel was at his lordship's at this time? he replied, that he came the 7th of November. Being asked who he received his instructions from; he replied, from Mr. Day and Mr. Osman, and that his lordship in his instruction said to them when he went to bed, be sure when you come into the room; and if you find my wife there I desire she may be used tenderly;—that this was over night, and they were taken together at nine o'clock the next day. Being asked what directions his lordship gave with respect to Mr. Lyddel? replied, 'That in case we take them together

ther in the manner we found them, that then I should come to town and give orders to Mr. Staples to proceed against him according to law. Being asked, what was to be done with Mr. Lyddel in the mean while? replied, that his lordship gave directions to secure him in the house till further orders. This Deponent being asked, whether he went to London after this? replied, Yes, and went to Mr. Staples, and went to Mr. Staples, and made affidavit of what he saw, upon which there was a process taken out, which this Deponent delivered to the Sheriff's bailiff, and was executed on Monday morning; that then he supposes he was carried away to the County-goal. Being asked, what orders were given about his Lady's going? he replied, that he had no orders about her, but she went away on the Saturday after the discovery, very big with child.

Mr. Osman deposed, that Mr. Matthews came to him and expressed himself much concerned, with concerned, with relation to the intimation he had observed betwixt Mr. Lyddel and his lady, and said that Mr. Lyddel had abused his lord, by lying with his lady; and gave this Deponent several instances of it, (as before-mentioned in his evidence) and that he went himself to Mr. Matthews's room as desired, and saw the same two mornings together. That he was very much concerned and surprized at the observation of these passages, and to find his lord abused after so gross a manner; for he believed that his Lordship was as tender a husband, and had as great a value for his wife as any person in the world, that none can be more fond; and tho' they knew it would be a great affliction to their lord, were notwithstanding resolved to acquaint him with it; for they could have no peace in their own consciences while they kept it as a secret

from him; to which end Mr. Day was acquainted with it; he accepted of the office, and acquainted his lordship with it on the 6th of Nov. last; after this manner: — 'He desired his lordship would be pleased to walk in the fields with him, for he had something very particular to communicate to him; but his lordship being very pressing to know what it was, Mr. Day opened it to him; his lordship was extremely concerned that his friend had done such a thing, and said, *He could not have done so to him.* Then his lordship gave directions to make discovery, which was after this manner: We proposed early the next morning to go into a closet that joined to the room where Mr. Lyddel lay, which we accordingly did, that this deponent being placed against the closet door could see the room, and had such a command of it, that no-body could go in or come out but what he must see; that a little after eight o'clock, Mr. Lyddel's man went into the room, and as he was coming out, his master being in bed, says to him, —, Are your razors ready, for I shall shave myself by and by; — Then the man went out of the room, and at nine o'clock his lady came along the gallery to Mr. Lyddel's door, and entered his chamber, that he saw her thro' they key-hole, when she came against it she made a stop, and then went to Mr. Lyddel's bed-side, and said something to him; then she returned, which made this Deponent conclude she was gone quite away, likewise Mr. Day said she was gone, but Mr. Matthews was of another mind, and went and opened Mr. Lyddel's door, and stepped to the bed and undrew the curtains of the bed-side, and said, *So then!* the lady was lying across the bed, and her cloaths by that time this Deponent came, was down to her knees, that he saw her legs; and then Mr. Lyddel had nothing but

his shirt on; that she used several expressions in great surprize, 'I shall be ruined, but we told her we were there by his lordship's direction; that Mr. Lyddel raised himself up and said,—'What is the matter? I have heard nothing you have said.' This Deponent said, 'We come to observe the vile treatment you have used towards my lord, and for this you can never give his lordship satisfaction.' He said, it is very true, I will take my horse and go away, and never return more; upon which this Deponent said, *You had as good stay while you are here.* Being desired to give an account of the friendship which was between his lordship and Mr. Lyddel, he said, that the friendship was very great, that his lordship always received Mr. Lyddel with a great deal of pleasure and satisfaction that there was as good a provision made for him by his lordship, as for any-body that came to his house, that it was his opinion that his lordship's secrets were communicated to him, and that he never knew of greater friendship and intimacy, than there was betwixt his lordship and Mr. Lyddel. Being asked, when her ladyship went away after the discovery? he replied, she went away at three o'clock the day of discovery, by his lordship's order, to General Tatton her father.

Mr. James deposed, that at the desire of the lady he went into Mr. Lyddel's room on Saturday morning on the 8th of November last, after the discovery was made, that when he came into the room he found Mr. Lyddel in a great confusion and disorder, saying, 'I am a vile wretch; for God's sake do not speak to me; for God's sake do not speak to me.'

Mr. Day deposed, that he was his Lordship's Steward and took care of his estates in several counties, that he observed the intimacy between his Lord and Mr. Lyddel, and in his esteem his Lordship was the greatest

friend Mr. Lyddel had in the world, that there was as entire a friendship betwixt them as ever was amongst men, and that their mutual respect for each other was very strong; so that this Deponent was surprized when Mr. Matthews let him into some of the secrets of his Lady and Mr. Lyddel's intimacy, the first of which was about the month of March last; that he could not conceive that Mr. Lyddel would be guilty of so foul a crime, when he knew the intimacy that was between his Lord and him; he could not give credit to those reports till the account they gave him of the observations they made in the five mornings, that then this Deponent did believe it, and that they fixed upon him to discover it to his Lordship which he did upon the 6th of November; that he asked his Lordship, whether, considering the great affection he had for his Lady, he could bear the discovery of it? That this Deponent proposed the method of the discovery which his Lordship approved of, and what he did was by his Lordship's orders.

The Council for the Defendant acknowledged, that a verdict ought to be given against the Defendant, but used divers arguments for mitigation of the damages; as that the damages ought to be proportioned to the circumstances of the person offending, that it lies before the Jury to give more or less, according to circumstances. That the Defendant's estate, is only an estate for life, and under great incumbrances.—Argument was offered, that this action was not laid for an assault in debauching the Plaintiff's Lady, but for destroying the health, satisfaction and comfort of the Plaintiff, that from the time the fact was committed to the time of her death, was so short that the injury his Lordship sustained in his health could not be very great. Another argument was the
Lady's

Lady's chamber, by which means she became a temptation to him, and was a temptation hard to be resisted, that this fact between Mr. Lyddel and the Lady, might have been as well prevented as discovered, if they had thought fit, but that it seemed as if an agreement was made to lay a snare and temptation to draw him into a criminal action. Another argument is, that his present affliction is a great punishment to him; and that even the witnesses for the Plaintiff say, that he thought himself the most miserable wretch living, and if so, then what must his affliction be now, that he ought to be considered as a very unfortunate and unhappy person, upon which account there is no reason to charge much damages as to the total ruin of him who is miserable enough already.

Several Lords and Gentlemen appeared to his reputation, who gave him the character of a very civil, modest, well bred Gentleman, and could never have thought he would have been guilty of any thing of this nature. There were several mortgage-deeds produced in Court, upon

the estate of the Defendant amounting to 11000*l*.

The Council for the Plaintiff in their reply urged, that the damage ought not to be calculated from the time the fact was committed to his Lady's death, the consideration of the damages ought to regard futurity; that when once the ties of mutual love are broken, it can never be repaired, and if they had not been detected they might have gone on with impunity. As to the plea made use of, that his estate is not capable of paying large damages, a case was mentioned of a footman for the like crime, who was fined 5000*l*. for it is but reasonable, if a person destroys the happiness of another, his happiness ought to be disturbed as long as he lives. There is a standing law against adultery, the Adulteress and Adulterer too are to be put to death. There is nothing here can make satisfaction but a pecuniary punishment.

Upon the whole, the Jury withdrew, and after a short stay brought in their verdict for the Plaintiff, Ten Thousand Pounds damages.





T H E

T R I A L

O F

FRANCIS CHARTERIS, for a RAPE.



This TRIAL is taken, verbatim, from a very scarce Manuscript.

ABOUT the beginning of December, 1729, a Bill of Indictment was found at Hicks's Hall, against Colonel Francis Charteris, for an attempt to ravish Anne Bond, Spinster; whereupon a warrant was issued out against him by the Right Hon. Sir Robert Raymond, Knt. then Lord Chief Justice of England, and delivered into the hands of Mr. Chadwick Chambers, his Lordship's Tipstaff, who was often, but in vain, in pursuit of him; for the Colonel took a trip to Flanders, and on his return kept himself private till the 25th of February, when the Sessions began at the Old Bailey, and then Mr. Counsellor Strange mov'd the Court, that the Colonel might be permitted to surrender himself the next day, in order to take his trial; which being granted, he appear'd at the Sessions house, but unexpectedly found the bill for an attempt to ravish, turn into an

indictment for an actual rape, when he was brought to the bar, and arraign'd as follows.

Francis Charteris, of St. George, Hanover-Square, Esq; was indicted, for that he not having the fear of God before his eyes; but being moved by the instigation of the Devil, did on the 10th of Nov. last, ravish, and carnally know Ann Bond, Spinster, against the will of the said Ann Bond, against the peace of our Sovereign Lord the King, and against the statute in that case made and provided.

To this indictment the prisoner pleaded *not-guilty*; and for his trial put himself upon God and his country.

The Council for the Prosecutor opened the cause, observing, that though facts of this nature were now-a-days made little account of by too many persons of levity, yet they had always been, by all civiliz'd nations, nay even by many barbarous ones, rank'd among crimes of the most heinous nature.

Having

Having amply set forth the manner and nature of the offence, they supported the Charge by the following evidence.

Ann Bond deposed, that being out of place, and having been ill, she happened to be sitting on a bench at her lodging, and a woman, whom she knew not, took an occasion to enter into conversation with her, and asked her if she wanted a place, telling her she was very serviceable in helping servants to places; she replying that she would willingly embrace a good service, she told her she could help her to a very good one, which was to one Col. Harvey; that accordingly she went, and was hired, and did not know for three days but that the prisoner's name was Harvey. That for the first three days she was treated well; that he sent his footman with her, and he redeem'd some cloaths that she had been obliged to pawn; and he had also money, and orders given him to buy some linen, which when she came home the prisoner said she should have: but she refused to take it, saying she had no occasion for it. That after three days he began to solicit her to let him lie with her, offering her a purse of gold, telling her he would give her a great many fine cloaths, get her a good husband, would give her a house, he having a great many, if she would go to bed with him: that she told him she would take none of his money on any such account: that she came not thither for such purpose, that if she did not do his work to his mind he might turn her away: That afterwards she hearing one come to the house, enquiring for Col. Charteris, she spoke to the house-keeper, telling her she thought her Master's name had been Harvey; that she had heard a bad character of Col. Charteris, and was not well, and must go away.

She added. When I offered to go away, he threatned my life, and I was kept in, and not permitted to go

out of the house, the door being kept lock'd, and if the clerk of the kitchen went out, the house-keeper or butler had the key, so that I never could get out after the three or four days.

Being asked what time she went to live with the prisoner? She replied, about the 24th of October, and came away the 10th of November.

That on the 10th of November, the Colonel rung a bell and bid the clerk of the kitchen call the Lancashire bitch into the dining-room. That she going in, he bid her stir the fire, while she was doing it he lock'd the door, and took her and threw her down on the couch, which was nigh the fire, in the farther corner of the room, and forced her down with violence, and lay with her; that she strove what she could, and cry'd out as loud as she could, and he took off his night cap and thrust it into her mouth, and then had carnal knowledge of her.

Being told by the Court that she must speak plain, and tell the naked truth, that the law required it; and being asked whether the prisoner had his cloaths on? She reply'd, he was in his night-gown.—Being asked whether she had not her petticoats on? She reply'd, yes; but he took them up, and held her down upon the couch.—Being asked, whether she was sure, and how she knew he had carnal knowledge of her,? She reply'd, she was sure he had, and that he laid himself down upon, and entered her body.—She was also asked how it was afterwards? She replied, that there was a great deal of wet. That she afterwards told him she would certainly prosecute him for the injury she had received from him, and take all lawful methods to do herself justice; that he endeavoured to pacify her with promises of a great many fine cloaths, &c. if she would hold her tongue, and say nothing of it; but she would accept

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of none of his offers: She added, that then he call'd her a brimstone bitch, and curs'd and swore, and threatned he would beat her to death. And about one hour after he had lain with her, he took a horse whip and beat her very much, and also beat her with the great end of it; and no servants came till he opened the door, then the clerk of the kitchen came up, and he bid him take all she had, and turn the brimstone bitch out of doors: That being got out of doors, she went to a Gentlewoman and made her complaint, and desired her to go with her to get her cloaths, and when they came and demanded them he bid 'em turn the bitches out, and pretended I had robb'd him of thirty guineas, and sometimes he said twenty.

Being asked if she complain'd of the Colonel's usage of her? She said she did, to Mrs. Parsons, that very day, and she acquainted Mr. Biss with it, and that she preferr'd the bill of indictment against the prisoner; that it was drawn, 'at first, for an' assault, with an intent to ravish, and that the foreman and Jury, upon questions they put to her, said, it was not an intent, but it was fact, and so the indictment was alter'd.

The prisoner being informed, that now the prosecutor had given her evidence against him, he was at liberty to ask her what questions he pleas'd; and he put the following questions.

Prisoner. Did not you live at Cockeram?

Prosecutor. No.

Prisoner. Did you never see me in Lancashire, at Cockeram?

Prosecutor. No.

Prisoner. Did you not bring me a letter?

Prosecutor. No; I brought no letter.

Prisoner. If I don't prove it I'll be hang'd. Did not your sister live on my estate? Did not you know

the whole Lordship was mine? To which she answer'd, no.

Prisoner. Did you never lie in bed with your master?

Prosecutor. No: I was in the truckle bed one night, when she, who was my bed-fellow, lay in the bed with you, and you call'd me to come to bed to you; you said, you Lancashire bitch come to bed to me, and lie on the other side that I might lie in state; this was the fifth night, and I slept on my gown and went down stairs; and sat there all night; and I was told, you had order'd I should have no bed; I was not willing to lie there at all; but was told you was ill, and I must; the servants had all sat up.

Prisoner. Did not you lie in the truckle-bed a nights?

Prosecutor. I did lie four nights in the truckle-bed, in the Colonel's room, with a maid.

Prisoner. Did you not bring my breeches, with fifty guineas, that day you said you were ravish'd? Did not you lie, the night before your pretended ravishment, in the truckle bed? Did not you throw the snuff-box, with a guinea, behind the grate, when you were call'd up? To most of which the prosecutor answered in the negative: Adding, I was call'd up, and there was two Gentlemen with you, and you said you had got a pretty Lancashire bitch; and the Gentlemen gave me each of them half a guinea.

Prisoner. Did you tell my servants that you had met with any bad usage?

Prosecutor. I complain'd to every servant that I had bad usage?

Pris. What was the bad usage?

Prosecutor. In being ravish'd and horse-whip'd.

Prisoner. Did you not accept of a snuff-box?

Prosecutor. That was given the second day after I came, I said I did not want it, I would not have it:

You

You said I should have it; keep it in your pocket, if it be lost you shall be answerable for it?

Prisoner. Did you complain to a Magistrate the very day you pretended to be ravish'd?

Prosecutor. I applied to Mrs. Parsons, and she acquainted Mr. Bifs, and the Lord Chief Justice's warrant was taken out.

Prisoner. Did not you bring the chamber-pot, and hold it, and take my member out of my breeches?

Prosecutor. No.

Prisoner. Did you not tell some of the family, that since I had so much silver, I should have my instrument tipp'd, for it would not please a woman?

Prosecutor. No.

Mary Parsons, the Prosecutor's Evidence, being call'd, was asked, When Ann Bond came to her and made her complaint? She answer'd, it was the 10th or 11th of November, she came to her in a very great surprize, said, the Colonel had us'd her very ill, and said, that That morning he had forced her against her inclination, and she was beat cross the shoulders and back, and that he had taken all her cloaths from her, that she went with her to demand her cloaths, and the prisoner bid his servants turn the bitches out of doors. Then I told her I would have her to a Gentleman, who would do her justice, and this was Mr. Bifs.—Being asked, If she told her when she first came to her, that the Colonel had ravish'd her? Mrs. Parsons reply'd, she said, he lay with her against her inclination.

The next evidence for the Prosecutor was Mr. Bifs, who depos'd, That about the 10th or 12th of November, to the best of his memory, the Prosecutor told him she had liv'd with Colonel Charters; that she thought she had gone to live with one Colonel Harvey; that he had

treated her very handsomely for two or three days; that he sent a servant to fetch home her cloaths that she had pawn'd, and order'd him to buy some linen; that she refus'd to have it; that she had been whip'd both before the Rape and after it; that the Colonel pretended to be very ill, and she was order'd to lie in a truckle-bed in his chamber, and constrain'd to lie in his room. That the 5th night, he call'd her Lancashire bitch; that she kept her petticoats on; that about two o'clock he call'd her up, and horse-whip'd her, telling her she should obey his commands, that was what she deserv'd, and must expect. That on the 17th day of her being there, she was call'd up, that the Colonel lock'd the door, forc'd her to the remotest part of the room, threw her down on the couch, and forc'd her body; that she cry'd out as loud as she could, and he took his night-cap, and thrust it in her mouth, and had carnal knowledge of her body. That she ask'd him, if she had not best apply to a Justice? That he told her, the Quarter-Sessions was near, and he thought that would be the best way; and when she came to the Grand-Jury, they told her, that this was not an intent, but the fact; and the Foreman of the Grand-Jury order'd two to go to Mr. Lindon, and the indictment was drawn accordingly; and one of the Grand-jury said, the Colonel had attempted his Sister; that they went to get a certificate, but could not get it that night; that he told one Mr. Harrison of it; and (as he was inform'd) he acquainted the Colonel, and the Colonel went out of town the next morning.

Sarah Colley depos'd, That she wash'd for one of the Prisoner's servants, and he seeing her, asked her, If she knew of any likely country girls that she could send for to town? But not to mention his name, and

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that he order'd her to go the Crown and Wheatsheaf on Ludgate-Hill, and to bring one Mrs. Betty to him; but not to mention his name, and he would give her a guinea.

The profecutor having gone thro' her evidence, the prisoner's evidences were called.

Mr. Gordon being asked what he knew about the bringing of a letter? answered, That Ann Bond came, and said, she had sent in a letter to your honour, and waited for an answer; that he (this evidence) came into the parlour, when Mr. Irving was reading the letter.

Gordon being ask'd by the prisoner, what he knew more of Anne Bond? he replied, you rose very early the morning she went away, she brought you your breeches, and held them while you put your legs into them. This was about two o'clock in the morning.

Quest. Where was this?

Ans. The Colonel was sitting in the parlour, they brought some tea, and the Colonel went to bed again; about four rose again, and went out about six, and came home again at ten.

Quest. What colour were the breeches that Ann Bond brought?

Ans. I think they were brown cloth breeches, and then the Colonel mis'd his money. I was order'd to bring up the woman that had lain with him that night, that he went to call Mrs. Bond, but she did not follow him, but ran to the house of office, that he follow'd her, that she did not stay there to do any thing, no longer than she could go to it, and come back again; that then she ran to the bed-chamber, and was doing something under the fire, and he look'd under the fire-grate, and found a little steel box with a guinea in it.

Pris. Were not several of my servants in the outer hall?

Gordon. I think it was about ten

o'clock when the Colonel call'd for Mrs. Bond, and challeng'd her with the money; and I saw her about two or three o'clock in the morning come out of the room, and bring the Colonel's breeches with her, and she was in the room, and help'd to dress him; Mrs. Bond went away about two o'clock in the afternoon, and was well pleas'd, till he challenged her with the money.

Quest. Where did Ann Bond lie?

Ans. She lay in the truckle-bed all the time she liv'd with you, and Mary White lay with her only two nights.

Quest. What did she say about her treatment?

Ans. She said, you were very kind? but since you were a man of money, you should have your instrument silver'd, for it was not able to please a woman.

Quest. Where did she say this?

Ans. In the kitchen among all the men and women servants, and they laugh'd at it.

Pris. Where were you from the time I got up till I went out?

Gordon. In the hall, upon the same floor, with the rest of the servants.

Pris. Did you hear any noise?

Gordon. No.

Mr. *Irving* depofed, That the Sunday before his Majesty's birthday, he was with the Colonel, and his servant brought in a letter, and said it came from a woman; the Colonel bid him open it, and read it, he believ'd it came from a whore, and he made no secret of those matters: that the Colonel bid the woman be call'd in, and Mrs. Bond came in, in a riding-hood, and the Colonel call'd for tea, and ask'd her when she came out of the country? That she replied, about three weeks ago. That he was desir'd to step out, and was call'd in again, and she was sitting in the chair, where he left her; and another Gentleman coming

coming in, the Colonel said, Nan-ny, go down into the kitchen among the servants, and when I want you, I will call for you; that the Colonel said, he knew her at Cockeram, that she pretended to be a very modest girl, but one of the servants where she had liv'd, had lain with her.

The prosecutor being ask'd, whether Mr. Irving was in the room, when she went to the Colonel's to be hir'd? She reply'd no, he was not in the room.

Mr. Irving being ask'd, whether he heard any discourse between the prosecutor and prisoner, about the letter? He answer'd, No.

The prosecutor being ask'd, concerning her bringing a letter to the Colonel's, and deny'd that she sent or brought any letter.

John Gourley, one of the prisoner's servants, depos'd, That he was in the room with his Master, and Mr. Irving, when a servant brought a letter, and he went down, and Ann Bond was standing at the door, and she said to him, I know you very well, I have seen you at my sister's house at Cockeram.

Quest. What day was this.

Ans. It was on Sunday, a little before the King's birth-day; and that the next day he went out with her, with money to fetch her cloaths out of pawn, and he ask'd her of several persons in the country, that he did this for fear she was a bite; but he found that she knew them.

This evidence being ask'd, where the prosecutor lay.

He depos'd, That she lay every night in his master's room, that his master us'd to bid him send the girl in, that she might not disturb him; that there was a great harmony betwixt them, and she commended her master for her kindness to her.

Ann Bond being ask'd, whether she came to the Colonel on a Sunday? She reply'd, No; it was on a Monday.

Gourley being shewn the letter, was ask'd, if he knew any thing of that letter? He answer'd, Yes. That it lay open upon the table, and that he took it up, and read it, and put it in his pocket among some other papers, when he was going to Flanders, some days after.

Mr. Irving being shewn the letter, was ask'd, if that was the letter he read at the Colonel's? answer'd, he did believe it to be the same letter, and pointing to the prosecutor, said, this is the woman that was brought in by the servant, upon reading the letter; then the prosecutor being ask'd, whether Mr. Irving was present when she came to the Colonel's first? She said, No.

Then being ask'd, if she knew him? She said, Yes: I have seen him frequently.

This letter being shewn to Ann Bond, she was ask'd, if she did not bring that letter to the Colonel's? She answer'd, No; she look'd upon it some time, and said, she could not read it: And being ask'd, if she could write? Answer'd, Yes, a little, and being bid to write, took the Writer's pen, and wrote her name; but the hands were not alike. But the letter being prov'd by Mr. Irving and Mr. Gourley, to be brought by her, was read, and is as follows,

Hon. S I R,

I Understand you are in town, if your Honour pleases, I should be glad to wait on you, I came from Cockeram in Lancashire; I came the next door to Mr. Jones, and should be proud to wait on you, if your Honour pleases to give me that liberty; pray pardon this freedom, I am, with humble submission, and the greatest respect, your humble servant, to command,

Anne Bond.

I wait at your door for an answer.

Wednesday Night,

Three o'Clock.

R 2

James

James Davis being call'd, the prisoner desired he might be asked, whether he had not seen the prosecutor in the naked bed with him? He replied, Yes, and that she lay every night in his master's room, he being asked, when he came to live with the prisoner? He said on the 4th of November, and that he had seen her in the naked bed with his master, and that he afterwards asking her if she was not ashamed to lie with her master? She replied, no; she was not ashamed of it, for it was what she used to do. He being ask'd what time it was that he had seen the prosecutor in bed with his master? He answered, it was the next morning after he came there: And being asked how he came to see it? That hearing the bell ring, he opened the door without knocking, and went in, and saw her in bed with him; he being asked what business he had to go into his master's chamber, without knocking, and being but just come, was a stranger? And whether, or not, it was not saucy and impudent in him to do so? After some pause, he replied, he had a mind to lie with her himself, and having heard that his master lov'd a pretty girl, he suspected she lay with him, and so he took that opportunity to satisfy himself.

Hannah Lipscombe being called, the prisoner desired that she might be asked, how often she had seen the prosecutor in bed with him? She answered, that the first night she lay in the trundle-bed, and the second she lay with her master. Being asked, how she knew it? She answer'd, she saw her in bed with her master in the morning when she came to light the fire. It was also desired, that this evidence might be asked, what the prosecutor had said, concerning the prisoner's private member? She reply'd, that he said, that his member was worn out, and since he had so much silver, it ought to be tipped.— This evidence being asked, if she

knew what lying in state was? She declining to answer, was press'd to it, upon which she replied, that she indeed had heard from vulgar people that it was for a man to lie with 3 women at once.

Robert Vaux deposed,—That on the 1st of November, Col. Chartres's groom came to him, to come to his master at five o'clock in the morning, that he went into the Colonel's chamber, and Ann Bond was in bed with him, that the servant opening the door, he went in, and she turning aside the bed-cloaths, put her legs out of the bed, came out in her shift, took up her cloaths under her arm, and dropping him a curtesy as she passed by, went into another room to dress her. He added, that he was at the Colonel's several times, and she was very familiar with him, and that he asked her how she liked him? And she answered that her master was very kind to her; that he ask'd her concerning his performance, and she said, upon her word, he was incapable to serve a woman. Being asked what he was? He answered, he was a Sadler, and had made the Colonel some saddles. He was likewise asked what urgent business it was, that should bring him there to disturb a Gentleman so early in the morning? He replied, that one of the Colonel's horses had broke his halter; upon which he was asked if he could not have fitted his horse with a halter, without disturbing the Colonel himself? To which he reply'd, the Colonel had often struck out articles in his bill, for want of verbal orders.

Thomas Cooper deposed, That he had been in Flanders, and upon his arrival at Dover, a message came to him to come to the Colonel, so he rode post, and came to the Colonel's house, and lay there, and being called up in the morning by his servants, he went into the Colonel's bed-chamber, and there he saw the prosecutor sitting

sitting upright in the bed, with her petticoats about her; and he withdrew, that she might dress herself. He being ask'd, what time this was? He reply'd, that it was on a Thursday. Being ask'd, what Thursday? He said, in October, he could not be exact as to the day of the month, without his journal; but he knew he came from Flanders the beginning of October, the first or second, that he was about twelve hours in his passage to Dover; that the message came to him on Tuesday; that Wednesday he arriv'd in London, lay at the Colonel's, and the next morning, which was Thursday, he saw the prosecutor in bed with the Colonel.

The Council for the Prosecutor observed, that he, this evidence, swore to 18 or 19 days before she came to the Colonel's house, being asked, if he was certain as to the time? He then replied, No, he did not know what questions he should be ask'd, had not brought his journal, and therefore could not be certain as to the time.

Mary White depos'd, The morning that Mrs. Bond went away, she brought the Colonel's breeches to him about two of the clock; that the Colonel went out about six, and return'd about ten, and mis'd his money; and then order'd Mr. Gordon to call up Ann Bond, and said, that it must be either herself (this evidence) or she that took it, there being no body else in the room, and desired Ann Bond to own it, telling her, that if she would, he would not send word down into the country; that she said, she could not own what she knew nothing of; and the Colonel order'd her cloaths to be kept, and herself to be turn'd out of doors: Being ask'd, what time the Colonel said he mis'd his money? She said, she believ'd he said, it was between eight and nine o'clock; being asked where she was

from the time the Colonel got up, to the time he went out? She said in the hall on the same floor. Being also asked, if she heard the prosecutor cry out? She answer'd, No. Being ask'd, what colour the Colonel's breeches were that Ann Bond was said to bring to him? She answer'd, black, as she thought.

Mr. Hambleton depos'd, That he came to the Colonel's to put up some curtains (he being an Upholder) that this was about nine o'clock, and the Colonel said he mis'd some money; that he had 50 guineas in his pocket last night, and he had lost 20 of them, and bid Mr. Gordon call all the servants up, and that he (this evidence) saw two shillings lying upon the couch.

The prosecutor call'd the following persons to her character; *Mr. Bell* depos'd, That Ann Bond had liv'd with him about a year, and during that time, behav'd herself very honestly and very modestly, and that he takes her to be as honest, modest a young woman as ever came into a family; that she came to him the beginning of July 1727, and also that she behav'd herself very religiously, and when at any time she could not go to church, she always had some good book in her hand.

Mrs. Bell depofed, That she knew the prosecutor in the country, and had brought her out of Lancashire from her friends, and that she always was very modest and honest, that she never perceived the least immodesty by her, in her life, and she did believe her to be a very honest, modest girl; and being asked if she thought she would forswear herself, to take a man's Life away? She answered, No.

Mr. Harwood depofed, she lived with him at Clapham nine months, and behaved very well during that time; and the reason she went from him was, because she could not bear the rudeness of some watermen: that she

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she behaved very soberly and modestly, and kept her church very constantly, and he did believe her to be a very modest sober young woman, that would not by any means forswear herself, to take any man's life: that she went from him to Mr. Allen, and there also behaved herself very modestly and honestly, and he believed he would have been here, had he not been hinder'd by illness, she came from thence not for any misdemeanour, but by reason of other matters that were not agreeable to her.

The Jury, after a full hearing, went out, and brought in their verdict guilty. *Death.*

The following Articles are extracted from several News-Papers.

Courant, Saturday Feb. 28.—Soon after the jury had brought in their verdict on Thursday against Colonel Charteris, the Sheriffs of this City and County of Middlesex; as also the High-Bailiff of Westminster, sent persons to take possession of what they could find of his effects which are become forfeited. He is said to be worth 200,000*l.*

Post-Boy, Feb. 28.—On Thursday night about twelve o'clock, a servant maid of Col. Charteris fired a pistol out of the window, one pair of stairs, and shot one of the Constables in the arm. We are informed, that by the verdict given against Colonel Charteris, all his estate is confiscated, viz. What money is in the several stocks, as Bank, South-Sea; and India, and all his effects in the City, to the Sheriff of London for the time being: And all in Westminster to Mr. Morrice, the High-Bailiff, who we hear, took possession of the Colonel's house and effects in New Bond-street, yesterday.

Daily-Post, Feb. 28.—Last Thursday night, the Officers of William Morrice, High-Bailiff of the liberty of Westminster, went to seize the goods and chattles of Francis Char-

teris, Esq; at his house in Great George-street, Hanover-square, on his having been convicted of felony at the Old Bailey; but were deny'd admittance by the servants, who made a vigorous defence. One of them, a woman, fired a pistol from a window and wounded a Beadle in the breast. Yesterday the Officers enter'd, and seized vast quantities of rich plate and household furniture, which were carrying away all day in carts, to an empty house of Mr. Morris's in Old Bond-street. Mr. Charteris's berlin, which he won at the Spaw, together with 20 horses and his chariot, were also seized and carried away to Ormond Meuse. Yesterday the Sheriffs of London forbid any transfer or payment of, at the South-Sea-House, and other companies, belonging to the said convict.

London Even. Post, Feb. 28. We hear that the Trustees for the Duke of Wharton, have seized on the manor of Woeburn in Buckinghamshire; Col. Charteris having a mortgage of 18,000*l.* on the said estate. Orders are gone to the Sheriff of Lancashire, to seize on the said Col. Charteris's three lordships in that county, viz. Hornby-Castle, Ormskirk, and another within two miles of Lancaster, all amounting to the yearly value of 4000*l.*—His man, John Gourly, (commonly called Trusty Jack) is gone express to Scotland for the Earl of Weems, who married the said Colonel's only child. We hear great intercession has been made to save the Colonel's life, but as yet without effect. He is reckoned worth 200,000*l.*—We hear an appeal is lodg'd against the said Colonel.

Daily Four. March 2.—Charteris's Council moved the Court, before sentence past, for the indictment to be read in Latin, which was indulged and comply'd with; but there not being any flaw in it, no motion was

was made in arrest of Judgment; and the Colonel had sentence pass'd on him with the other malefactors.—The Colonel is lodged in the same room in the Press-yard where Major Oneby was formerly confined.

Grub-street Journal, March 5.—We hear that Col. Charteris set out this morning at five o'clock, for Scotland, from his late habitation.

Daily Post, March 10.—Col. Charteris is visited in Newgate by Dr. Pringle, being greatly indisposed.—*March 21.* When the express arrived in Scotland, for the E. of Weems to come to London the Countess fell extremely ill on hearing of her father's misfortunes. Her Ladyship had several children now living: The second son is named Francis Charteris, and hath a very handsome provision made for him by his grandfather.

St. James Evening Post, March 21. A suit, we hear, is going to be commenced, by order of the Treasury, against the High Bailiff of Westminster, touching his seizure of Colonel Charteris's goods and chattels in the liberty of Westminster; John Edwin Esq; laying claim to them by virtue of a grant of King Charles II. to his father and heirs, &c. of the office of proprietor of the waste and soil in the said liberty of Westminster. The said High Bailiff hath detained all Col. Charteris's cash in the hands of Mr. Drummond, Goldsmith, at Charing-Cross.

Daily Jour. March 24.—We hear that the pretensions of John and Tho. Edwin, Esqrs. to the effects of Col. Charteris, seized in George-street, Hanover-square, are waved; Mr. Morris appearing to act under the just and legal title of Lessee to the Dean and Chapter of Westminster, of the soil and waste thereof, for which he pays, pursuant to the lease made at his first entrance on his post, 100l. per ann. And that their claim as by charter from King Charles I. extends only to the districts of the palace.

Whitehall Evening Post, March 28 The Earl of Weems hath paid Mr Morris, the High Bailiff of Westminster, 700l. for the 24 horses which he seized at Col. Charteris's stables in St. George's, near Hanover-square, as forfeited by being a felon.—Last Thursday the Earl of Weems took lodgings at Mr. Russel's on Ludgate-Hill, for the convenience of attending his father-in-law, Col. Charteris, who, 'tis said, will speedily obtain his pardon.

London Evening Post, March 28. This day a great part of Col. Charteris's goods, seized by the High Bailiff of Westminster, was carried back to his house in Great George-street, near Hanover-square, the E. of Weems having paid 1000l. for them. The High Bailiff hath restored the Colonel all his linen.

Universal Spect. April 4.—The E. of Weems hath purchased of William Morrice, Esq; High Bailiff of Westminster, all the goods and chattels belonging to his father-in-law Col. Charteris, that were seized in Great George-street, for 3000l.

D. Post, April 4.—On Thursday night the Lady of Colonel Charteris, arrived here from Edinburgh, and the next day took lodgings in Warwick-lane, near Newgate.—Yesterday Col. Charteris was so ill with an asthma and fever, that it was thought by the Doctors that he could not recover.—*Ibid April 6.* Col. Charteris is so ill in Newgate of a fever, that he hath four blisters on, and is attended by three eminent physicians. *Ibid April 8.* On Monday night last Ann Bond, the young woman who prosecuted Col. Charteris for a rape, met several persons of distinction and eminent lawyers at the Horn Tavern in New Palace Yard, Westminster. The Countess of Weems is on the road from Edinburgh.

Evening Post, April 10. This day Mr. Justice Price, Mr. Justice Probyn, and Mr. Baron Thompson, Recorder

32 Trial of Col. Francis Charteris, for a Rape.

Recorder of the city of London, who sat upon the trials of the criminals at the last sessions at the Old Bailey, attended his Majesty in Council, (at which were present his Royal Highness the Prince, the Lord Privy Seal, Lord Steward, Lord Chamberlain, Duke of Bolton, Duke of Rutland, Duke of Argyle, Duke of Montrose, Duke of Ancaster, Earl of Westmoreland, Earl of Chesterfield, Earl of Burlington, Earl of Abington, Earl of Scarborough, Earl of Loudoun, Earl of Findlater, Earl of Marchmont, Earl of Stair, Earl of Ilay, Earl of Suffex, Viscount Townshend, Vis. Lonsdale, Vis. Cobham, Vis. Falmouth, Vis. Torrington, L. Wilmington, Mr. Chancellor of the Exchequer, L. Chief Justice Eyre, the Lieut. Gen. of the Ordnance, and Henry Pelham, Esq;) to make report of the trials of such as were capitally convicted at the said Sessions; and among others, of the case of Col. Francis Charteris, condemn'd for a Rape committed on the body of Ann Bond. And his Majesty having severally heard the opinion of the said Judges upon the said case, who all agreed in their report, was pleased, by the unanimous advice of his Privy Council, to order that the said Francis Charteris should be pardoned, and forthwith admitted to bail.

Sessions-Paper, Apr. 1730.—Francis Charteris, Esq; appear'd in Court, and by virtue of his Majesty's warrant was admitted to bail, on security given that he should appear at the next Sessions, and plead to his Majesty's most gracious Pardon.

Post-Boy, April 11.—Last night Colonel Charteris was bail'd out of Newgate; his two Sureties being bound in 500l. each, and himself in 1000l. in order to plead to his Pardon the next Sessions.—

Daily Post, April 13.—On Saturday last the Earl Weems was at Court to return his Majesty thanks for his most gracious free Pardon granted to Francis Charteris, Esq;—*April 14.* We hear that yesterday morning Ann Bond, the person who prosecuted Col. Charteris for a rape, had 800l. paid her by a Gentleman of St. Margaret, at Westminster.

St. James's Ev. Post, April 16.—We hear that yesterday morning the famous Anne Bond, was married at Gray's-Inn Chapel, to Charles Heather, a drawer at a tavern in Westminster; and that they have since taken a tavern in Bloomsbury, and design to set up a well-painted head of Col. Charteris for their sign.

D. Post, April 26.—Col. Chartres, who was thought to be gone to Bath hath hired lodgings at Kensington Gravel Pits; and last Saturday, as he was going in a hackney-coach to Chelsea, the mob fell upon him and beat him in a most barbarous manner for no other reason than that there were two women with him in the coach.

St. James's Ev. Post.—Col. Charteris hath cohabited with his Lady for some days, at her lodgings in Piccadilly, and on Saturday next she sets out on her return for Scotland.

Edinburgh, Feb. 29, 1731-2. On the 24th died Col. Francis Charteris of Amsfield, Esq; in his 57th year; descended from an ancient and hon. family in this county. He married Mrs. Helen Swinton, daughter of Sir Alex. Swinton, by whom he had one daughter, married to the Right Hon. the Earl of Weems, to whose second son he has left the bulk of his plentiful estate, and great portions to all the other children; with several legacies to friends and relations.

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